

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

January 7, 2010



Rezoning RZ 09-19: Karen K. Hall

CASE DESCRIPTION: a request to change the zoning classification from Residential District – 5000 (RD-5) to Office District (C-1)

LOCATION: 0.1649 acres of land located at the intersection of East 29th Street and Carter Creek Parkway

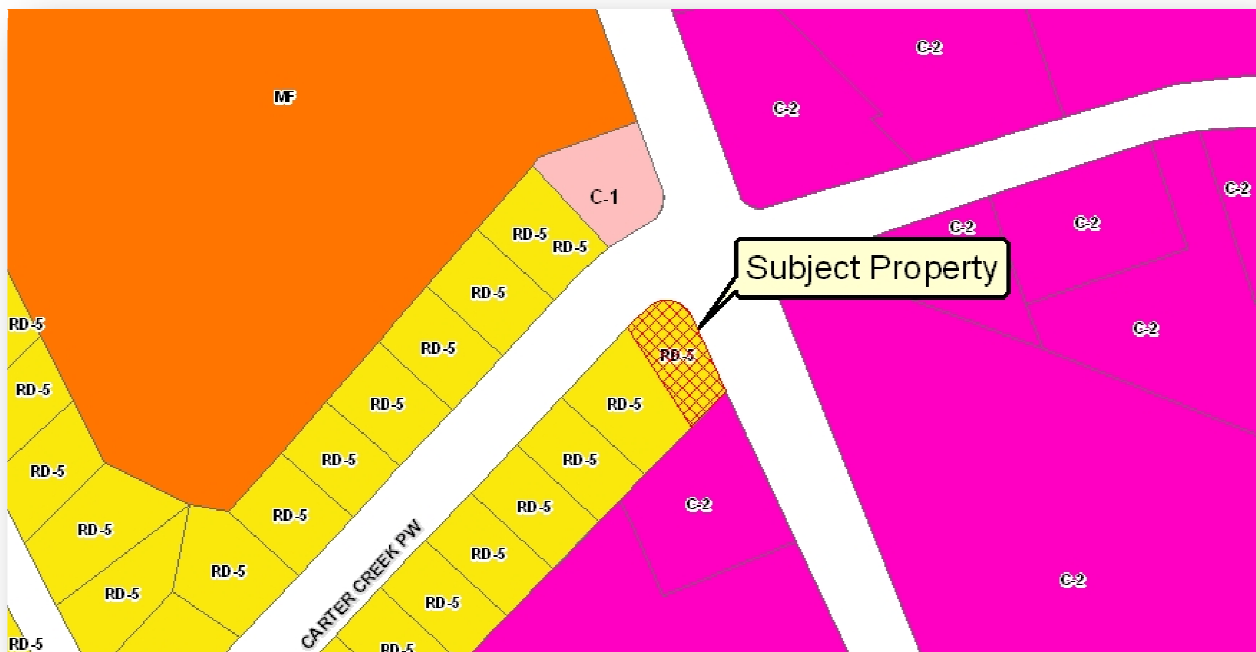
LEGAL DESCRIPTION: Lot 7 in Block 12 of Tanglewood Addition

EXISTING LAND USE: former residential structure converted to business use (allowed with Conditional Use Permit case no. CU 23-10-94, approved on November 3, 1994)

APPLICANT(S): Karen K. Hall

STAFF CONTACT: Randy Haynes, Project Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** Office (C-1) zoning, as requested.



PHOTOGRAPHS OF SUBJECT AND SURROUNDING PROPERTIES:



BACKGROUND:

In 1994, a conditional use permit was granted to the previous owner of this property to operate a beauty shop in what was then a vacant residence. At that time, as part of the redevelopment of the property, site plan approval was obtained and on-site parking was constructed. The new property owner, Ms. Karen K. Hall, wishes to renovate the property for general office use which is not allowed under the property's current (RD-5) District zoning. Ms. Hall is therefore requesting to change the zoning of this property to Office (C-1) District.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

The Comprehensive Plan suggests that areas suitable for Office/Light Commercial uses include points of high visibility (including minor collector streets) and locations that are convenient and accessible to residential areas.

ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors.

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to general area and the City as a whole.

The C-1 zoning classification is intended to provide opportunities for development of business, professional and financial offices. The character of commercial development allowed in C-1 Districts is purposefully intended to be of relatively low intensity, in comparison with retail activity allowed in Retail (C-2) and other nonresidential zoning classifications.

Staff contends that a change of the zoning designation to C-1 is appropriate for the subject tract and consistent with land use recommendations of Bryan's Comprehensive Plan. Staff acknowledges the concern that the subject property abuts an established residential neighborhood. However, the C-1 zoning district allows only low-intensity office and small-scale retail uses. Office buildings tend to generate less traffic than retail establishments, have little loading/unloading of products, and require limited identification by signs. Conditions have evolved to the point where a residence at this location does not appear to be a desirable land use. Staff believes that office uses on the subject property are appropriate in this particular environment.

On January 7, ²⁰⁰⁹, the Commission voted to recommend approval of a similar request for property across Carter Creek Parkway (Rezoning case no. RZ09-01). That property was subsequently rezoned to C-1 District by the City Council.

2. Whether there is availability of water, wastewater, storm water, and transportation facilities generally suitable and adequate for the proposed use.

The subject property has direct access to water and wastewater services and lies at the intersection of East 29th Street and Carter Creek Parkway. These two roadways are classified as minor arterial street and major collector street, respectively. Staff believes that, in this particular case, these adjoining streets can be expected to be capable of accommodating traffic loads typically associated with low-intensity office and professional uses as well as small scale retail uses allowed in C-1 Districts.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

Staff believes that this zone change request, if approved, will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development.

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

Property in the vicinity of the subject tract is largely developed and the change of zoning to C-1 will not effect development.

5. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

Other properties zoned for office use in this area are unlikely to be affected by this zoning change. The subject lot is the only tract along the two-mile stretch of East 29th Street between East Villa Maria and the city limits that has remained zoned for single-family residential use.

6. Any other factors which will substantially affect the health, safety, morals, or general welfare.

Staff has identified no factors resulting from this requested zoning change that will affect health, safety, morals, or general welfare.

RECOMMENDATION:

Staff recommends **approving** C-1 zoning, as requested.